

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.34 OF 2023

Arshad Riyaz Shaikh alias Madrasi ..Applicant

VS.

The State of Maharashtra ..Respondent

Adv. Prashant Pandey a/w Adv. Dinesh Jadhvani i/b.
W3Legal LLP for the Applicant.

Mr. S. V. Gavand, APP for the State.

PSI-K. U. Jadhav, Mumbra Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 1, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail by the applicant-Arshad
Riyaz Shaikh alias Madrasi in connection with C.R. No.I-139
of 2018 dated 17/03/2018 registered with Mumbra Police
Station for the offence punishable under Sections 395, 397,
323, 341, 506 of the Indian Penal Code, 1860 and under
Sections 3 read with Section 25 of the Arms Act, 1959 and
under Sections 37 read with Section 135 of the Maharashtra
Police Act, 1951.

3. The FIR was registered on 17/03/2018. The applicant is in custody for more than 4 years and 10 months. Though the trial has been expedited by this Court, the charge is yet to be framed. It is alleged that 7 accused stopped the truck which the complainant was driving. They fled away with a sum of Rs.85,000/- and thus committed robbery. The co-accused Nos.1 and 2 have been granted bail by the Sessions Court by an order dated 01/11/2022. The applicant is alleged to be walking in front and around the victim's truck with knife to keep a check. The trial Court while granting bail to the co-accused-Adil Wali Mohd. Pathan by the order dated 01/11/2022 in paragraph 9 has observed thus :-

"9] The accused is behind the bars since more than four years. Although other four offences have been registered against him, this alone cannot be a ground to deny the bail. Considering all these aspects in my view the accused is entitled for bail."

4. Though there are criminal antecedents reported against the applicant, on the ground of parity, the applicant being in custody for more than 4 years and 10 months, can be released on bail.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Arshad Riyaz Shaikh alias Madrasi shall be released on bail in connection with C.R. No.I-139 of 2018 dated 17/03/2018 registered with Mumbra Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) The applicant shall attend the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)